Exhibit 1

COPY

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 21 2018

E. Rodriguez

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

LETHIA PERRY, an individual,

Plaintiff,

v.

WALGREEN CO., an Illinois corporation, also d/b/a WALGREENS; LORI CEBALLOS, an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.: RIC 1812640

COMPLAINT FOR DAMAGES

1. Disability Discrimination (Violation of Gov. Code § 12940(a))
2. Failure to Provide Reasonable Accommodation (Violation of Gov. Code § 12940(m))
3. Failure to Engage in a Timely, Good Faith, Interactive Process (Violation of Gov. Code § 12940(n))
4. Retaliation for Exercising Rights Under the CFRA (Violation of Gov. Code, § 12945.2(l))
5. Retaliation for Exercising Rights under the FEHA (Violation of Gov. Code §§ 12940(h))
6. Age Discrimination (Violation of Gov. Code § 12940(a))

7. Hostile Work Environment Harassment (Violation of Gov. Code § 12940(j))
8. Failure to Prevent Discrimination, Harassment, and Retaliation (Violation of Gov. Code § 12940(k))
9. Tortious Wrongful Termination in Violation of Public Policy
10. Declaratory Relief
11. Injunctive Relief

DEMAND FOR JURY TRIAL

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Plaintiff LETHIA PERRY ("PLAINTIFF"), an individual, complains and alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction is conferred on this Court over the defendants named herein, who conduct business and/or reside in the State of California. Jurisdiction is conferred on this Court as to all causes of action as they arise under state statutory or common law.

2. Venue is proper in this Court because a substantial part of the events and omissions giving rise to PLAINTIFF's causes of action occurred in this County; WALGREEN CO., a corporation, also doing business as WALGREENS ("WALGREENS"), a defendant named herein, conducts business in this County; and conduct by the individual defendant, LORI CEBALLOS ("CEBALLOS"), complained of herein occurred in this County.

PARTIES

3. PLAINTIFF is and was at all times mentioned herein a resident of Riverside County, California. At all relevant times, PLAINTIFF was an employee of defendant WALGREENS within the meaning of all applicable California state laws, statutes, and regulations; and worked at Walgreens Distribution Center, located at 17500 Perris Boulevard, Moreno Valley, California 92551 (hereinafter referred to as the "Moreno Valley Distribution Center").

4. PLAINTIFF is informed and believes, and upon such information and belief alleges, that defendant WALGREENS is, and was at all times mentioned herein, a corporation organized under the laws of the State of Illinois and is registered to conduct business in the State of California. PLAINTIFF is informed and believes, and thereon alleges, that WALGREENS conducts a substantial part of its business in the State of California; manages, owns, or operates three distribution centers in the State of California and more than 250 retail locations all over the State of California, and employs thousands of employees in the State of California.

At all relevant times, defendant WALGREENS was an "employer" of PLAINTIFF within the meaning of all applicable California state laws, statutes, and regulations.

5. PLAINTIFF is informed and believes, and upon such information and belief alleges, that defendant CEBALLOS is, and all times relevant herein was, a resident of the State of California; and has been an employee of WALGREENS from approximately February 2016 to the present, as the Human Resources Manager of the Moreno Valley Distribution Center.

6. PLAINTIFF is informed and believes, and upon such information and belief alleges, that at all material times alleged herein, defendants WALGREENS, CEBALLOS, and DOES 1 through 50, inclusive, and each of them, were the agents, partners, joint venturers, joint employers, representatives, servants, employees, successors-in-interest, co-conspirators, and assigns, each of the other, and all times relevant herein, were acting within the course and scope of their authority as such agents, partners, joint venturers, joint employers, representatives, servants, employees, successors-in-interest, co-conspirators, and assigns, and all acts or omissions alleged herein were duly committed with the ratification, knowledge, permission, encouragement, authorization, and consent of each defendant designated herein.

7. The true names and capacities, whether corporate, associate, individual, or otherwise, of defendants DOES 1 through 50, inclusive, and each of them, are presently unknown to PLAINTIFF who sues said defendants by such fictitious names. PLAINTIFF is informed and believes, and upon such information and belief, alleges that each of the defendants designated as DOE is in some manner responsible and liable for the wrongs and damages as alleged below, and in so acting, was functioning as the agent, servant, partner, and employee of the codefendants; and in doing such actions mentioned below, was acting within the course and scope of his or her authority as such agent, servant, partner, and employee with the permission and consent of the codefendants. PLAINTIFF will

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seek leave of court to amend this Complaint to show the true names and capacities when the same have been ascertained.

8. Defendants WALGREENS, CEBALLOS, and DOES 1 through 50, inclusive, will be hereinafter collectively referred to as "DEFENDANTS."

9. Whenever and wherever reference is made of individuals who are not named as PLAINTIFF or DEFENDANTS in this Complaint, but were agents, servants, employees, and/or supervisors of DEFENDANTS, such individuals at all relevant times acted on behalf of DEFENDANTS within the scope of their employment.

10. PLAINTIFF is informed and believes, and based thereon alleges, that at all material times alleged herein, each defendant was completely dominated and controlled by its co-defendant and each was the alter ego of the other.

11. PLAINTIFF performed services for each and every one of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, and to their mutual benefit, and all of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, shared control of PLAINTIFF as an employee, either directly or indirectly, and the manner in which their business was and is conducted.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. PLAINTIFF timely filed complaints against DEFENDANTS under Government Code sections 12940, et seq., the California Fair Employment and Housing Act ("FEHA"), with the California Department of Fair Employment and Housing ("DFEH"); and received a "Right to Sue" Notice from the DFEH on January 12, 2018. On June 21, 2018, PLAINTIFF amended said complaint and received an amended "Right to Sue" Notice as to DEFENDANTS. As such, PLAINTIFF has satisfied the administrative prerequisites with respect to all of her claims arising under the FEHA and all related filings.

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ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

13. PLAINTIFF was a 14-year veteran employee of defendant WALGREENS from August 11, 2003, until she was wrongfully terminated on August 11, 2017, her 14th anniversary with WALGREENS. During the entirety of her employment with WALGREENS, PLAINTIFF held the position of Human Resources ("HR") Generalist, and worked at the Moreno Valley Distribution Center in Riverside County. At the time of her termination, PLAINTIFF was over the age of 40 and earned an annual salary of approximately $87,000.00.

14. Prior to starting her employment with WALGREENS, PLAINTIFF was an experienced HR professional with over 10 years of work experience in the HR field. PLAINTIFF obtained a Bachelor's Degree from Chapman University in Organizational Development and is an active member of the Society of Human Resources Management ("SHRM"). During her employment with WALGREENS, PLAINTIFF performed her job duties competently and satisfactorily, and had been highly regarded by her superiors and colleagues.

15. Throughout her 14-year employment with WALGREENS, PLAINTIFF was a loyal and dedicated HR Generalist, who achieved key results for defendant WALGREENS, including, but not limited to, playing an essential role in ensuring the successful launch of WALGREENS' West Coast Distribution Center (i.e., the Moreno Valley Distribution Center), as well as in structuring and implementing programs and policies in the areas of Talent Management and Development, Recruitment and Retention, Orientation and Training Workers Compensation and Benefits, Safety/OSHA guidelines, and Payroll and Attendance.

16. As an HR Generalist, PLAINTIFF was also part of the management team at the Moreno Valley Distribution Center.

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A. From April to August 2015, PLAINTIFF Took a FMLA/CFRA Qualifying Leave for Torn Rotator Cuff.

17. From approximately April to August 2015, PLAINTIFF properly notified defendant WALGREENS of the need for, and took, a leave qualifying under the Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"), to recover from rotator cuff surgery (hereinafter referred to as "the 2015 FMLA/CFRA qualifying leave").

18. PLAINTIFF is informed and believes, and based thereon alleges, that while she was on the 2015 FMLA/CFRA qualifying leave, defendant WALGREENS was terminating, laying off, or imposing forced resignations upon, many of her team members on the management team at the Moreno Valley Distribution Center. These team members had been longtime employees of WALGREENS and were replaced with individuals who were younger or less qualified, and/or who did not have a known disability. In or around August 2015, WALGREENS replaced the former General Manager with the current General Manager Candace Maciel ("GM Maciel") as part of this mass layoff/termination scheme. PLAINTIFF is also informed and believes, and based thereon alleges, that her team members were terminated, laid off, or forced to resign as a result of their age; disability; exercise of the rights under the FEHA, FMLA or CFRA; and/or any combination of these protected characteristics.

19. PLAINTIFF is informed and believes, and based thereon alleges, that those team members who were not separated from their employment with WALGREENS during this mass layoff/termination also faced adverse employment actions, such as being placed on unfavorable work schedules or on a Performance Improvement Plan ("PIP"), and/or being eventually terminated from their employment at a later time. PLAINTIFF is further informed and believes, and based thereon alleges, that DEFENDANTS took these adverse employment actions on the basis of the particular employee's age, disability, exercise of the rights under

the FEHA, FMLA, or CFRA; and/or any combination of these protected characteristics.

20. PLAINTIFF is also informed and believes, and based thereon alleges, that some of the team members, including PLAINTIFF, were placed on a PIP upon returning from a medical leave approved under the FMLA and/or CFRA, and were later terminated.

B. Following PLAINTIFF's Return from the 2015 FMLA/CFRA Qualifying Leave, PLAINTIFF Was Subjected to Adverse Employment Action in the Form of Discrimination, Harassment, and Retaliation.

21. As set forth above, PLAINTIFF took a FMLA/CFRA qualifying leave in 2015, and returned to work in or around August 2015. Like her coworkers, PLAINTIFF was also subjected to adverse employment actions by DEFENDANTS, and each of them, including wrongful termination that occurred in August 2017. By way of illustration only and without detailing each and every instance, PLAINTIFF was subjected to adverse employment actions as follows:

a. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, forced PLAINTIFF to relocate her workspace from a standard office where she had occupied prior to the 2015 FMLA/CFRA qualifying leave, to a small storage closet. This hampered PLAINTIFF's ability to perform her job duties efficiently and without difficulty. Being placed in the storage closet made it difficult for PLAINTIFF, as an HR Generalist, to hold joint meetings with an employee and his or her manager, when conducting, among other things, investigations and/or evaluations. There was very little to no room in the storage closet to hold these meetings. Working out of the storage closet was obviously humiliating for PLAINTIFF who had been with the company for more than ten years as an HR Generalist and had been respected by many of the management team members and hourly team members. PLAINTIFF knew, and it was clearly perceived as, she was

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being retaliated against because she took the 2015 FMLA/CFRA qualifying leave to recover from the rotator cuff surgery.

b. In addition, PLAINTIFF was reassigned to the night shift, despite WALGREENS' policy to rotate HR Generalists between night and day shifts no earlier than every two years. PLAINTIFF was rotated back to the night shift after only one year. Working at nighttime only aggravated her disability, including injuries to her neck and back, as well as carpal tunnel syndrome. Moreover, PLAINTIFF ran the entire night shift of 300 employees, with help of one HR Specialist, whereas the day shift of the equal number of employees was overseen by a team of no less than five members and usually seven members comprising HR Manager, HR Generalists, and HR Specialists. While having actual knowledge of PLAINTIFF's disability, WALGREENS and DOES 1 through 50, inclusive, and each of them, never initiated an interactive dialogue to determine whether PLAINTIFF needed to change her schedule, or whether she needed additional assistance or any other form of reasonable accommodation for her disability. Moreover, given that PLAINTIFF was subjected to the discriminatory and retaliatory treatment described herein following her return to work and witnessed the mass layoff/termination of her former colleagues, PLAINTIFF was too afraid to ask for change of schedule or any other form of reasonable accommodation. Simply put, PLAINTIFF was afraid to lose her job if she voiced her concerns.

c. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, also failed to give PLAINTIFF equal consideration during her employment. More specifically, before defendant CEBALLOS was hired as the HR Manager, the position had become available in or around August 2015. PLAINTIFF applied for the position and was not even granted an in-person interview. In contrast, other external and internal candidates were interviewed by Area HR Manager Jeff Dykhius ("AHRM Dykhius") who visited the Moreno Valley Distribution Center from Salvania, Ohio, to conduct interviews over a period of

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approximately one week. This was despite the fact that PLAINTIFF, throughout her more than 10 years of employment at WALGREENS, had positive performance reviews and was highly regarded by her colleagues and hourly team members. Prior to AHRM Dykhius leaving the Moreno Valley Distribution Center, PLAINTIFF was told that she would be given a phone interview with GM Maciel at a later time. While PLAINTIFF was given this phone interview, she was not selected for the position for the incredible reason that ***the new management team did not know her and that they had never worked with her***.

d. Defendant WALGREENS eventually hired an ***external candidate***—CEBALLOS—as the new HR Manager, who was younger than PLAINTIFF; who was less experienced than PLAINTIFF, especially with respect to the HR matters within the Moreno Valley Distribution Center and the warehouse environment in general; and who PLAINTIFF is informed and believes would have been paid less than the amount of salary PLAINTIFF was then being paid by WALGREENS. Defendant CEBALLOS started her employment with WALGREENS in or around February 2016 and became PLAINTIFF's direct supervisor.

e. Once defendant CEBALLOS came onboard in or around February 2016, DEFENDANTS, and each of them, started assigning PLAINTIFF job duties that were not feasible to perform during her night shift. By way of example, PLAINTIFF was assigned to perform recruitment duties during her night shift and with very little training on the new applicant tracking and reporting system. PLAINTIFF loved recruitment, but conducting job interviews, giving out job offers, communicating with applicants, or attending career fairs during her scheduled work hours, i.e., from around 9:00 p.m. to around 5:30 a.m. or whenever later her workload was completed, was impossible. In fact, the nighttime specified herein would be when most of the population in this country would be sleeping, making it extremely difficult to recruit, interview or communicate with people when

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they were sleeping. Being assigned the recruitment duties during the nighttime and being denied proper training or assistance only fueled PLAINTIFF's suspicions that DEFENDANTS, and each of them, were deliberately setting PLAINTIFF up to fail because she had a disability, she required a medical leave, and she was a longtime employee whose age was over 40 and whose salary was higher than external candidates like defendant CEBALLOS.

f. Moreover, only after defendant CEBALLOS became PLAINTIFF's direct supervisor, her work performance also started to be unduly scrutinized and criticized. By way of example, in or around March 2016, defendant CEBALLOS and Area HR Manager Shawna Compton ("AHRM Compton") from Sacramento, California conducted PLAINTIFF's performance review. This was only one month into CEBALLOS' employment with WALGREENS and monitoring PLAINTIFF's performance, assuming CEBALLOS had any opportunity to do so. PLAINTIFF was rated a 3.0 in every category, which meant, "meeting expectations." The results were discussed with AHRM Dykhius to develop a plan to help PLAINTIFF be promoted. It was discussed that CEBALLOS' job was to assist PLAINTIFF in being promoted.

g. Notwithstanding the plan to help PLAINTIFF, CEBALLOS' assistance was lackluster at its best, and she seemed clearly not interested in helping PLAINTIFF to achieve this goal. Instead of providing guidance and assistance, CEBALLOS deliberately set PLAINTIFF up to fail in the months leading to her wrongful termination in August 2017. By way of example, in most of their "touch base" meetings, CEBALLOS ridiculed and criticized PLAINTIFF's performance and made impermissible comments about PLAINTIFF's disability and need for taking time off work. CEBALLOS would constantly bring up the fact that PLAINTIFF's team members, including CEBALLOS, had to cover PLAINTIFF's workload while she was out on her medical leaves. CEBALLOS also complained that she had to come in to work while PLAINTIFF was out, working sometimes

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almost 14 hours. As set forth below in Section C, PLAINTIFF suffered from injuries to her neck and upper back, as well as carpal tunnel syndrome in 2017, which required additional FMLA/CFRA qualifying leaves. PLAINTIFF had become the constant victim of unlawful harassment by defendant CEBALLOS.

h. In or around October 2016, defendant CEBALLOS conducted PLAINTIFF's performance review for the period of September 1, 2015 to August 31, 2016. CEBALLOS, who had been the HR Manager for approximately six months as of August 2016, rated PLAINTIFF a "2.2/5.0," stating that she was only "partially meeting expectations." CEBALLOS' performance review of PLAINTIFF came as a shock to PLAINTIFF, as her former supervisors had not rated her performance as low as CEBALLOS in any of the reviews during her 13 years of employment with WALGREENS. Moreover, CEBALLOS hardly knew of PLAINITFF's work performance, as CEBALLOS had only been PLAINTIFF's direct supervisor for approximately six months and had not enough interactions with PLAINTIFF due to PLAINTIFF being on the night shift and CEBALLOS working mostly during daytime.

i. PLAINTIFF is also informed and believes and based thereon alleges that defendant CEBALLOS' performance review of PLAINTIFF was unjustified, as it was CEBALLOS who had made it extremely difficult for PLAINTIFF to perform her job duties in a satisfactory manner. Among other things, CEBALLOS purposefully undermined PLAINTIFF by making sure that the HR Specialists whose job duties were to assist HR Generalists, would no longer report to PLAINTIFF. PLAINTIFF is informed and believes and based thereon alleges that this was done intentionally, maliciously, oppressively, and with the purpose of unlawfully harassing PLAINTIFF, notwithstanding WALGREENS' longstanding policy of having HR Specialists directly report to HR Generalists. Also, as set forth above, performing recruitment-related job duties on PLAINTIFF's night shift was not feasible. PLAINTIFF believes that DEFENDANTS assigned

these onerous job duties to PLAINTIFF and criticized her for allegedly "poor" performance to eventually terminate her.

j. PLAINTIFF is informed and believes, and based thereon alleges, that the aforementioned adverse employment actions taken by DEFENDANTS against PLAINTIFF, were substantially motivated by her age, disability, and exercising her rights under the FEHA, FMLA, and CFRA.

C. After PLAINTIFF Took Additional FMLA/CFRA Qualifying Leaves in 2017, PLAINTIFF Was Further Subjected to Adverse Employment Actions.

22. In or around March 2017, PLAINTIFF properly notified DEFENDANTS of the need to take another FMLA/CFRA qualifying leave, this time for conditions relating to her neck and upper back, as well as carpal tunnel syndrome. This request was approved, and PLAINTIFF was placed off work by her physician for a period of approximately six weeks from March 2017 to approximately May 8, 2017 ("the March to May 2017 FMLA/CFRA qualifying leave"). PLAINTIFF was also approved for an intermittent leave from approximately June 27, 2017, to approximately January 7, 2018. PLAINTIFF took approved leaves of absence from approximately June 27, 2017 to July 2, 2017, and from approximately July 7 to 8, 2017, due to the injuries to her neck and back.

23. Prior to March 2017, PLAINTIFF, as well as other HG Generalists and managers, submitted requests for approval of FMLA/CFRA qualifying leaves to Laura Brown who was GM Maciel's assistant and who had been processing such requests for 14 years. However, beginning in March 2017, PLAINTIFF was required to submit her requests for FMLA/CFRA qualifying leaves to defendant CEBALLOS for reasons not explained and therefore unknown to PLAINTIFF. PLAINTIFF was not aware of other HR Generalists or managers who were required to do the same. PLAINTIFF felt uncomfortable given CEBALLOS' harassing conduct toward PLAINTIFF within the last year or so, which PLAINTIFF believed

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was based on her disability, age, exercise of the rights under the FEHA, FMLA, CFRA, and/or combination of any of these protected characteristics. PLAINTIFF was afraid that she would be further harassed, and/or further discriminated or retaliated against, including termination, if she needed to take time off to take care of her health.

24. On or around May 9, 2017, the day after returning from the March to May 2017 FMLA/CFRA qualifying leave, CEBALLOS called PLAINTIFF into a meeting and placed her on a PIP. PLAINTIFF is informed and believes, and based thereon alleges, that defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, placed PLAINTIFF on the PIP in retaliation for exercising her rights under the FEHA, FMLA, and CFRA. PLAINTIFF is further informed and believes, and based thereon alleges, that defendants WALGREENS and DOES 1 through 50, inclusive, and each of them discriminated against PLAINTIFF on the basis of her disability, age, and/or exercise of the rights under the FEHA, FMLA, and CFRA; and the alleged poor performance and the placement on the PIP were pretextual.

25. During the May 9, 2017 PIP meeting, defendant CEBALLOS informed PLAINTIFF that she was "not" performing to the level of an HR Generalist. Defendant CEBALLOS also made impermissible comments that PLAINTIFF taking FMLA/CFRA leaves made her colleagues to cover her workload and expressed the difficulty PLAINTIFF's need for medical leaves caused the company. In addition, CEBALLOS informed PLAINTIFF that PLAINTIFF would solely be responsible for drafting the Action Plan portion of her PIP, which was in contradiction to WALGREENS' policy. PLAINTIFF is informed and believes, and based thereon alleges, that DEFENDANTS, and each of them, harassed PLAINTIFF on the basis of her disability, age, and exercise of her rights under the FEHA, FMLA, and CFRA; and that alleged poor performance and the placement on the PIP were pretextual.

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26. PLAINTIFF is informed and believes, and based thereon alleges, that according to WALGREENS' policy, it is the direct supervisor's responsibility to draft the entire PIP, including the Action Plan. The rationale behind this is so that it allows an employee to have certainty on the areas in which he or she needs to improve and/or complete in order to pass the particular PIP. This is to ensure that the PIP is conducted objectively and not based on subjective standards. Moreover, a PIP is utilized to improve an employee's performance, not to punish him or her for misconduct. PLAINTIFF is informed and believes, and based thereon alleges, that DEFENDANTS and each of them, utilized the PIP in order to punish PLAINTIFF because of her disability; age; exercise of the rights under the FEHA, FMLA, and CRFA; and/or any combination of these characteristics.

27. As set forth above, upon being placed on the PIP, PLAINTIFF was subjected to periodic "touch base" meetings with defendant CEBALLOS, during which PLAINTIFF was ridiculed and subjected to undue criticism for her alleged "poor" work performance. Yet, PLAINTIFF was not provided with adequate, objective guidance to improve the alleged "poor" work performance. In addition, while it was customary for WALGREENS' employees on a PIP to have follow-up meetings with their direct supervisor, such meetings would usually last no longer than 30 minutes. Nevertheless, CEBALLOS would hold follow-up PIP meetings with PLAINTIFF that lasted two hours, which, obviously, interfered with PLAINTIFF's work hours and performance.

28. PLAINTIFF is further informed and believes, and based thereon alleges, that it was also WALGREENS' policy for a PIP to last no longer than 60 days, which meant that PLAINTIFF's PIP should have ended on or around July 8, 2017. However, for PLAINTIFF, her PIP did not end until on or around July 28, 2017, when PLAINTIFF and CEBALLOS met for a final evaluation *at PLAINTIFF'S request.* During the final evaluation, CEBALLOS, among other things, again unduly criticized PLAINTIFF's work performance, argued that

PLAINTIFF did not take any ownership of her work (presumably hinting at PLAINTIFF being out on medical leaves), and accused PLAINTIFF of failing to complete items that were not even listed on her Action Plan. Hence, at this moment, PLAINTIFF saw the writing on the wall, and knew that CEBALLOS had no intention to help PLAINTIFF grow or promote, but wanted to get rid of PLAINTIFF because of her disability, age, and need to take medical leaves.

29. As set forth above, PLAINTIFF took an intermittent FMLA/CFRA qualifying leave from June 27, 2017, to July 2, 2017, relating to her neck and upper back, as well as carpal tunnel syndrome. Upon return to work, PLAINTIFF informed CEBALLOS of an update on her medical condition and that PLAINTIFF would have to see a specialist on August 26, 2017. Regardless of their actual knowledge of PLAINTIFF's physical disability, and instead of opening an interactive dialogue with PLAINTIFF regarding her disability, defendant CEBALLOS and GM Maciel assigned a physically taxing assignment to PLAINTIFF. They requested that PLAINTIFF walk around the entire warehouse, measuring approximately 600,000 square feet and with shelves going up as high as approximately 100 feet, and interview every hourly team member. PLAINTIFF, who had been suffering from a severe back pain, asked whether she could seek help from her assistant, and was denied this request or any sort of accommodation. Nevertheless, PLAINTIFF performed this assignment by herself.

30. PLAINTIFF was terminated on August 11, 2017. According to the termination letter from WALGREENS to PLAINTIFF, which was signed by CEBALLOS, the reason for PLAINTIFF's termination was an alleged failure to "show significant and/or sustained improvement in the areas outlined in [the] PIP."

31. PLAINTIFF is informed and believes, and based thereon alleges, that DEFENDANTS intentionally and willfully took the aforementioned adverse employment actions against PLAINTIFF because of her age and her disability; for exercising the rights under the FEHA, FMLA, and CFRA; and/or any combination

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of these protected characteristics. The alleged poor performance, the placement on the PIP, and the reasons stated in the August 11, 2017 termination letter from DEFENDANTS to PLAINTIFF were pretextual; and the actual reason for her termination was her disability; age; exercise of the rights under the FEHA, FMLA, and CFRA; or combination of any of these protected categories.

32. PLAINTIFF is also informed and believes, and based thereon alleges, that the implementation or enforcement of any applicable policies of defendants WALGREENS and DOES 1 through 50, inclusive, and each of theirs, disparately impacted her and others over the age of 40 and/or with actual or perceived disability.

33. As a result of the aforementioned adverse employment actions committed against PLAINTIFF, PLAINTIFF experienced, and continues to experience extreme emotional distress in the form of stress, severe anxiety, depression, and trouble sleeping.

FIRST CAUSE OF ACTION

DISABILITY DISCRIMINATION

(Violation of California Government Code § 12940(a))

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

34. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

35. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, are and at all relevant times herein were "employers" within the meaning of, and are subject to the FEHA, as employers of five (5) or more employees pursuant to section 12926, subdivision (d).

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36. At all relevant times herein, the FEHA was in full force and effect and was binding upon defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

37. As such term is used under the FEHA, "on the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the protected characteristics under the FEHA.

38. Government Code sections 12926 and 12940, and the accompanying regulations shall "be broadly construed to protect applicants and employees from discrimination due to an actual or perceived physical or mental disability or mental condition that is disabling, potentially disabling or perceived to be disabling or potentially disabling." (2 Cal. Code Regs. § 11064(b).) The term "disability . . . shall be construed broadly in favor of expansive coverage by the maximum extent permitted by the terms of the [FEHA]." (*Id.*)

39. Government Code section 12940, subdivision (a) prohibits an employer from discriminating against a person with a physical or mental disability and/or perceived disability, whether in compensation or in terms, conditions, or privileges of employment.

40. The FEHA defines "disability" to include (1) "[h]aving a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment [that constitutes a physical disability], which is known to the employer"; (2) "[b]eing regarded or treated by the employer . . . as having, or having had, any physical condition that makes achievement of a major life activity difficult"; or (3) "[b]eing regarded or treated by the employer . . . as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability." (Gov. Code § 12926(k)(3)–(5).) Under the "regarded as" theory, an actual or existing disability is not necessary. (*Gelfo v. Lockheed Martin Corp.* (2006) 140 Cal.App.4th 34, 52-53).

41. Moreover, "[w]hen an employee can work with a reasonable accommodation other than a leave of absence, an employer may not require that the employee take a leave of absence." (Cal. Code Regs., tit. 2, § 11068(c).)

42. At all relevant times herein, PLAINTIFF suffered a disability with regard to her shoulder, neck, and back, as well as carpal tunnel syndrome, which limited a major life activity, including working.

43. During all relevant times herein, Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, were continuously made aware that PLAINTIFF suffered from a disability.

44. PLAINTIFF further alleges that she was "regarded" by defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as having had a disease, disorder, condition, or health impairment that had no present disabling effect but may become a physical disability. (Cal. Gov. Code § 12926(m)(5).)

45. As set forth above, at all relevant times herein, PLAINTIFF was a person protected from discrimination on the basis of a "physical disability" and "perceived disability" under the FEHA. PLAINTIFF was able to perform the essential job functions with or without reasonable accommodation for her disability.

46. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, subjected PLAINTIFF to disparate treatment because of her actual and/or perceived disability; exercise of the rights under the FEHA, FMLA, and CFRA; or any combination of these protected characteristics. PLAINTIFF's actual and/or perceived disability was a substantial motivating factor in said defendants' decision to take adverse employment actions against PLAINTIFF, including, but not limited to: failing to promote PLAINTIFF to HR Manager, despite her qualifications; denying her a timely, good faith, interactive process; denying her a reasonable accommodation; relocating PLAINTIFF to a small storage closet upon her return from the 2015 FMLA/CFRA qualifying leave; assigning PLAINTIFF to a night shift in violation of WALGREENS' policy, thereby discriminatorily applying

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the company policy to PLAINTIFF; placing PLAINTIFF on a PIP upon her return to work from an FMLA/CFRA qualifying leave; assigning physically demanding work to PLAINTIFF upon her return to work from an FMLA/CFRA qualifying leave, despite having actual knowledge that she had been suffering from a physical disability; and wrongfully terminating PLAINTIFF in violation of public policy.

47. PLAINTIFF is informed and believes, and based thereon alleges, that she was subjected to disparate treatment by defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, based on her actual and/or perceived disability.

48. PLAINTIFF is also informed and believes, and based thereon alleges, that the implementation or enforcement of any applicable policies of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, disparately impacted her and others based on their actual and/or perceived disability.

49. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF suffered and continues to suffer lost income, benefits, employment, and career opportunities, as well as other economic loss, the precise amount of which will be proven at trial.

50. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF endured and continues to endure emotional distress, tarnished reputation, and pain and suffering, the precise amount of which will be proven at trial.

51. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, was a substantial factor in causing the aforementioned harm to PLAINTIFF.

52. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, individually, or by and through their agents and employees,

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was intended by these defendants and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by these defendants and/or their officer, director, or managing agent, and each of them, with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

53. As a result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965, subdivision (b).

Wherefore, PLAINTIFF prays for judgment as set forth below.

SECOND CAUSE OF ACTION

FAILURE TO PROVIDE REASONABLE ACCOMMODATION

(Violation of California Government Code § 12940(m))

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

54. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

55. At all times relevant hereto, the FEHA, including in particular Government Code sections 12940 and 12926, was in full force and effect and was binding upon defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

56. Government Code section 12940, subdivision (m) provides that it is an unlawful employment practice "[f]or an employer . . . to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee."

57. Government Code section 12926, subdivision (p) provides that reasonable accommodation may include either of the following: (1) making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities; or (2) job restricting, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devises, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

58. In California, an employer "is required to consider any and all reasonable accommodations of which it is aware or that are brought to its attention" by an employee, unless they pose an undue hardship. (Cal. Code Regs., tit. 2, § 11068(e).)

59. The employer "shall consider the preference of the applicant or employee to be accommodated, but has the right to select and implement an accommodation that is effective for both the employee and the employer or other covered entity." (*Id.*)

60. Unless the employer proves an undue hardship, "[a]n individual with a record of a disability may be entitled . . . to a reasonable accommodation if needed and related to the residual effects of the disability," including approving "a leave or a schedule change to permit him or her to attend follow-up or monitoring

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appointments with a health care provider." (Cal. Code Regs., tit. 2, § 11068(g).)

61. At all relevant times herein, PLAINTIFF suffered a disability with regard to her shoulder, neck and back, as well as carpal tunnel syndrome, which limited a major life activity, including working. PLAINTIFF is informed and believes, and based thereon alleges, that she was able to perform the essential job functions with or without reasonable accommodation for her disability.

62. As set forth above, defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, failed to provide, and did not even consider, a reasonable accommodation for PLAINTIFF's disability, including, but not limited to, changing PLAINTIFF's schedule or preventing PLAINTIFF from performing physically demanding work. PLAINTIFF is informed and believes, and based thereon alleges, that instead of performing their obligations under the FEHA, defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, chose to reprimand and terminate PLAINTIFF because, among other reasons, she suffered from a disability, required a reasonable accommodation, and took FMLA/CFRA qualifying leaves.

63. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF suffered and continues to suffer lost income, benefits, employment, and career opportunities, as well as other economic loss, the precise amount of which will be proven at trial.

64. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF has endured and continues to endure emotional distress, tarnished reputation, and pain and suffering, the precise amount of which will be proven at trial.

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65. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, was a substantial factor in causing the aforementioned harm to PLAINTIFF.

66. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, individually, or by and through their agents and employees, was intended by these defendants and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by these defendants and each of them, and/or their officer, director, or managing agent with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, and/or their officer, director, or managing agent, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

67. As a result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965, subdivision (b).

Wherefore, PLAINTIFF prays for judgment as set forth below.

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THIRD CAUSE OF ACTION

FAILURE TO ENGAGE IN A TIMELY, GOOD FAITH, INTERACTIVE PROCESS

(Violation of California Government Code § 12940(n))

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

68. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

69. At all times relevant hereto, the FEHA was in full force and effect and was binding upon defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

70. The FEHA makes it an unlawful employment practice to fail to engage in a timely, good faith, interactive process with an employee and/or the employee's physician to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee with a known physical or mental disability or medical condition. (Cal. Gov. Code § 12940(n).)

71. Moreover, an employer "has an affirmative duty to make reasonable accommodation(s) for the disability of any individual applicant or employee if the employer . . . knows of the disability, unless the employer . . . can demonstrate, ***after engaging in the interactive process***, that the accommodation would impose an undue hardship." (Cal. Code Regs., tit. 2, § 11068(a) (emphasis added).)

72. Furthermore, if there is a need to "identify or implement an effective, reasonable accommodation for an employee or applicant with a disability, the FEHA requires ***a timely, good faith, interactive process*** between an employer or other covered entity and an applicant, employee, or the individual's representative, with a known physical or mental disability or medical condition." (Cal. Code Regs., tit. 2, § 11069(a).) During such an interactive process, both the employer and the employee, or his or her representative, must exchange "essential information identified" in

title 2, section 11069 of the California Code of Regulations, "***without delay or obstruction of the process.***" (*Id.* [emphasis added].)

73. An employer is required to initiate an interactive process when:

> (1) an applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodations;
>
> (2) the employer . . . becomes aware of the need for an accommodation through a third party or by observation; or
>
> (3) the employer . . . becomes aware of the possible need for an accommodation because the employee with a disability has exhausted leave under the California Worker's Compensation Act, for the employee's own serious health condition under the CFRA and/or the [Family Medical Leave Act] . . . and yet the employee or the employee's health care provider indicates that further accommodation is still necessary for recuperative leave or other accommodation for the employee to perform the essential functions of the job."

(Cal. Code Regs, tit. 2, § 11069(b).)

74. An employer is required to follow the procedures outlined in Title 2, sections 11069, subdivisions (c)(1) through (c)(9) of the California Code of Regulations when engaging in the interactive process and assessing whether an employee may be accommodated through an alternate position or any other potential accommodations.

75. At all material times alleged herein, PLAINTIFF suffered from a disability with regard to her shoulder, neck, and back, as well as carpal tunnel syndrome, which limited a major life activity, including working. PLAINTIFF was able to perform the essential job functions with or without a reasonable accommodation for her disability.

76. At all relevant times herein, defendants WALGREENS and DOES 1 through 50, inclusive, and each of them were continuously on notice of, and had actual knowledge of, PLAINTIFF's disability starting in or around April 2015. Nevertheless, defendants WALGREENS and DOES 1 through 50, inclusive, and

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each of them failed to engage in a timely, good faith, interactive process with PLAINTIFF to determine whether PLAINTIFF required a reasonable accommodation to perform her job duties to said defendants' satisfaction and/or defendant CEBALLOS' subjective criteria. While defendant WALGREENS approved PLAINTIFF's FMLA/CFRA qualifying leaves, PLAINTIFF was never given an interactive meeting to determine whether a reasonable accommodation would have helped PLAINTIFF achieve above the alleged poor performance and meet the goal suggested by AHRM Dykhius in or around March 2016 or raised by the May 2017 PIP. Instead of being provided with a reasonable accommodation, PLAINTIFF was assigned physically demanding work notwithstanding her physical ailments, in total disregard of PLAINTIFF's rights under the FEHA.

77. As articulated more fully above, among other egregious violations of the law, defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, failed and refused to meaningfully discuss any reasonable accommodation with PLAINTIFF and terminated PLAINTFF on August 11, 2017, who was on an intermittent FMLA/CFRA qualifying leave at the time. PLAINTIFF was also scheduled to see a specialist on August 26, 2017, and notified defendant CEBALLOS of the same upon PLAINTIFF's return from her FMLA/CFRA leave on July 2, 2017. From approximately May 2015, until PLAINTIFF was wrongfully terminated on or around August 11, 2017, defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, received ample notice of PLAINTIFF's disability and need for a reasonable accommodation. PLAINTIFF is informed and believes that, and based thereon alleges, that DEFENDANTS ultimately chose to terminate PLAINTIFF because she suffered from a disability, required a reasonable accommodation, and took FMLA/CFRA qualifying leaves.

78. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF suffered and continues suffer lost income, benefits,

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employment, and career opportunities, as well as other economic loss, the precise amount of which will be proven at trial.

79. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF endured and continues to endure emotional distress, tarnished reputation, and pain and suffering, the precise amount of which will be proven at trial.

80. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, was a substantial factor in causing the aforementioned harm to PLAINTIFF.

81. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, individually, or by and through their agents and employees, was intended by these defendants and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by these defendants and/or their officer, director, or managing agent, and each of them, with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, and/or their officer, director, or managing agent, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

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82. As a result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965(b).

Wherefore, PLAINTIFF prays for judgment as set forth below.

FOURTH CAUSE OF ACTION

RETALIATION FOR EXERCISING RIGHTS UNDER THE CFRA

(Violation of Gov. Code, § 12945.2)

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

83. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

84. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, are, and were at all relevant times, "employers" within the meaning of, and are subject to the CFRA, as employers of 50 or more employees within 75 miles of the worksite where PLAINTIFF was employed. (Gov. Code § 12945.2, subd. (b) & (c)(2)(A).)

85. At all times material herein, the CFRA was in full force and effect and was binding upon defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

86. The CFRA prohibits covered employers from refusing to grant a request by any employee with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period, to take up to a total of 12 workweeks in any 12-month period for family care and medical leave (hereinafter referred to as "CFRA leave").

87. The CFRA also prohibits a covered employer from interfering with the rights guaranteed by the statute, including retaliating against a qualified employee

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who takes medical leave to care for her own medical condition. Such prohibited conduct includes, but is not limited to, termination, demotion, or any other adverse employment action that affects the terms and conditions of employment negatively.

88. During all material times alleged herein, PLAINTIFF qualified for, and took, multiple CFRA leaves due to her own serious medical condition that required continuing treatment or continuing supervision by her doctor. PLAINTIFF provided verbal and written notices, as set forth above, to make defendants WALGREENS and DOES 1 through 50, inclusive, and their agents and employees, and each of them, aware that PLAINTIFF needed a CFRA qualifying leave and the reason(s) for said leave, and the anticipated timing and duration of the leave.

89. In the months leading up to her termination of employment with WALGREENS, PLAINTIFF took CFRA leaves from approximately March 23, 2017 to May 7, 2017; from June 27, 2017 to July 2, 2017; and then from July 7 to 8, 2017. At the time of her termination on August 11, 2017, PLAINTIFF was on an approved intermittent CFRA leave at her physician's request because her disability required a continuing treatment and continuing supervision by her doctor. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, were also well aware that PLAINTIFF was scheduled to see a specialist on August 26, 2017, which would have required PLAINTIFF to take an additional CFRA leave.

90. PLAINTIFF is informed and believes, and based thereon alleges, that defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, terminated PLAINTIFF's employment because she took CFRA leaves, among other reasons. PLAINTIFF is also informed and believes, and based thereon alleges, that her taking CFRA qualifying leaves was a substantial motivating reason for said defendants' discriminating and retaliating against, and harassing, PLAINTIFF during employment and terminating PLAINTIFF on August 11, 2017. In taking these adverse employment actions against PLAINTIFF, defendants WALGREENS

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and DOES 1 through 50, inclusive, and each of them, engaged in an unlawful employment practice in violation of the CFRA and California Code of Regulations section 11094.

91. As a direct, foreseeable, and proximate result of DEFENDANTS' conduct, as alleged above, PLAINTIFF suffered and continues to suffer lost income, benefits, employment, and career opportunities, as well as other economic loss, the precise amount of which will be proven at trial.

92. As a direct, foreseeable, and proximate result of the foregoing conduct, of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF endured and continues to endure emotional distress, tarnished reputation, and pain and suffering, the precise amount of which will be proven at trial.

93. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, was a substantial factor in causing the aforementioned harm.

94. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, individually, or by and through their agents and employees, and each of them, was intended by said defendants and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by said defendants and/or their officer, director, or managing agent, and each of them, with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. DEFENDANTS and/or their officer, director, or managing agent were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of defendants WALGREENS and DOES 1

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through 50, inclusive, and/or their officer, director, or managing agent, and each of them, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of said defendants and each of them.

95. As a result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965, subdivision (b).

Wherefore, PLAINTIFF prays for judgment as set forth below.

FIFTH CAUSE OF ACTION

RETALIATION FOR EXERCISING THE RIGHTS UNDER THE FEHA

(Violation of California Government Code § 12940(h))

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

96. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

97. At all times relevant hereto, the FEHA, including in particular California Government Code section 12940, subdivision (h), was in full force and effect and was binding upon defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

98. California Government Code section 12940, subdivision (h) prohibits covered employers and/or persons from retaliating against employees for exercising any rights under the FEHA.

99. Furthermore, title 2, section 11068(g) of the California Code of Regulations provides that when an employee requires "time away from the job for treatment or recovery," granting a FMLA/CFRA qualifying leave could be a reasonable accommodation to the extent "that the leave is likely to be effective in allowing the employee to return to work at the end of the leave, with or without

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further reasonable accommodation, and does not create an undue hardship for the employer."

100. PLAINTIFF exercised her rights under the FEHA and engaged in legally protected activity by requesting a reasonable accommodation for her disability numerous times since approximately May 2015. Instead of performing their obligations under the FEHA by engaging in a timely, good faith, interactive process, defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, retaliated against PLAINTIFF. Such retaliatory conduct included, but was not limited to, placing PLAINTIFF in a storage closet upon returning from the 2015 FMLA/CFRA qualifying leave in August 2015, for approximately one year; criticizing PLAINTIFF's performance while she was suffering from a physical disability in March 2017; placing PLAINTIFF on the PIP upon returning to work after the March to May 2017 FMLA/CFRA qualifying leave concluded; assigning physically demanding work to PLAINTIFF upon her return to work from the July 7 to 8, 2017 FMLA/CFRA qualifying leave (i.e., making PLAINTIFF work around the approximately 600,000 square foot warehouse without any help and notwithstanding said defendants' actual knowledge that she was recovering from a back injury); and then terminating PLAINTIFF. PLAINTIFF's exercise of her rights under the FEHA was a substantial motivating reason for DEFENDANTS's retaliation against PLAINTIFF.

101. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF suffered and continues to suffer lost income, benefits employment, and career opportunities, as well as other economic loss, the precise amount of which will be proven at trial.

102. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF endured and continues to endure emotional distress,

tarnished reputation, and pain and suffering, the precise amount of which will be proven at trial.

103. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, was a substantial factor in causing the aforementioned harm to PLAINTIFF.

104. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, individually, or by and through their agents and employees, was intended by DEFENDANTS and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by said defendants and/or their officer, director, or managing agent with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of said defendants.

105. As a result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965, subdivision (b).

Wherefore, PLAINTIFF prays for judgment as set forth below.

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SIXTH CAUSE OF ACTION

AGE DISCRIMINATION

(Violation of California Government Code § 12940(a))

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

106. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

107. At all times relevant hereto, the FEHA was in full force and effect and was binding upon defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

108. The FEHA, specifically California Government Code section 12940(a), makes it an unlawful employment practice to discriminate against a person in compensation or in terms, conditions, or privileges of employment on the basis of age.

109. The FEHA, specifically California Government Code section 12941, prohibits an employer from using salary as the basis for differentiating between employees when terminating employment, if use of that criterion adversely impacts older workers as a group. The FEHA also allows the disparate impact theory of proof to be used in claims of age discrimination. Furthermore, when applying the FEHA to age discrimination claims, the courts must interpret the statute "broadly and vigorously, in a manner comparable to prohibitions against sex and race discrimination, and *with the goal of not only protecting older workers as individuals, but also of protecting older workers as a group, since they face unique obstacles in the later phases of their careers.*" (Cal. Gov. Code § 12941, italics added.)

110. PLAINTIFF alleges that she was subjected to disparate treatment because of her age, over 40, during her employment with defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

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111. At all material times mentioned herein, PLAINTIFF was over the age of 40. PLAINTIFF was over the age of 40 at the time she was denied the opportunity to be considered for and placed in the HR Manager position that had become available in or around August 2015. PLAINTIFF was also over the age of 40 at the time she was wrongfully terminated in August 2017, on the basis of her age. As such, PLAINTIFF is in a group protected by the FEHA based on her age.

112. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, are therefore strictly liable for the unlawful and discriminatory conduct pursuant to California Government Code sections 12900, et seq., and sections 12940 and 12941, in particular.

113. PLAINTIFF alleges upon information and belief that defendants WALGREENS and DOES 1 through 50, inclusive, and other agents and employees of these defendants, and each of them, had and has a history of discriminating against individuals over the age of 40, which history was known to defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, managing agent, and each of them. Despite such knowledge, defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, managing agent, and each of them, callously chose to ignore the rights of their employees to be free from discrimination in favor of its own interests and those of its managerial employees.

114. PLAINTIFF is informed and believes, and based thereon alleges, that although she had wealth of knowledge about the HR-related matters at the Moreno Valley Distribution Center and qualified for the HR Manager position, she was not even considered for an in-person interview on the basis of her age. PLAINTIFF is also informed and believes, and based thereon allege, that the new management's reason that they had not worked with PLAINTIFF and did not know her was pretextual, as defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, hired defendant CEBALLOS, who was an external candidate.

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PLAINTIFF is further informed and believes, and based thereon alleges, that CEBALLOS is younger and less experienced than PLAINTIFF, especially with regard to the HR-related matters at the Moreno Valley Distribution Center; and she would have been paid less than the amount of salary PLAINTIFF was then being paid by defendant WALGREENS at the time it hired defendant CEBALLOS. PLAINTIFF is further informed and believes, and based thereon alleges, that DEFENDANTS set her up to fail so that they could eventually fire her because she had been a longtime employee whose salary was higher than external candidates like CEBALLOS. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, used salary as the basis of differentiating PLAINTIFF and other similarly situated former employees of WALGREENS and making the decision to terminate them, in total disregard of the FEHA.

115. The policy, practice, routine and pervasive discrimination of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, against PLAINTIFF and employees over the age of 40 causes individuals who are similarly situated as PLAINTIFF to be demonstrably disadvantaged by depriving said individuals from continuing gainful employment with DEFENDANTS, despite superior qualifications and job performance. Furthermore, such policy and practice of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, were not justified by any business necessity.

116. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF suffered and continues to suffer lost income, benefits, employment, and career opportunities, as well as other economic loss, the precise amount of which will be proven at trial.

117. As a direct, foreseeable, and proximate result the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF has endured and continues to endure emotional distress,

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tarnished reputation, and pain and suffering, the precise amount of which will be proven at trial.

118. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, was a substantial factor in causing the aforementioned harm to PLAINTIFF.

119. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, individually, or by and through their agents and employees, was intended by said defendants and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under Civil Code section 3294. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of said defendants and each of them.

120. As a result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965(b).

Wherefore, PLAINTIFF prays for judgment as set forth below.

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SEVENTH CAUSE OF ACTION

HOSTILE WORK ENVIRONMENT HARASSMENT

(Violation of California Government Code § 12940(k))

(By PLAINTIFF Against All DEFENDANTS)

121. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

122. At all times relevant hereto, the FEHA was in full force and effect and was binding upon DEFENDANTS and each of them.

123. As such term is used under FEHA, "on the bases enumerated in this part" means or refers to harassment on the bases of one or more of the protected characteristics under FEHA.

124. At all times relevant hereto, the FEHA required DEFENDANTS to refrain from harassing, or creating, or maintaining a hostile work environment against an employee based upon her disability, age, and engagement in protected activities, and/or some combination of these protected characteristics, as set forth hereinabove, which includes an obligation to protect DEFENDANTS' employees from harassment by a supervisor to which the employee is subjected at work.

125. DEFENDANTS' harassing conduct was severe or pervasive, was unwelcome by PLAINTIFF, and a reasonable person in PLAINTIFF's circumstances would have considered the work environment to be hostile and/or abusive. As set forth above, defendant CEBALLOS constantly, for a period of approximately one and one-half years, made harassing and derogatory comments toward PLAINTIFF on the basis of her disability and need to take medical leaves. Instead of engaging in an interactive dialogue with PLAINTIFF who suffered from a physical disability and whose alleged poor performance might have been a result of her physical ailments, DEFENDANTS intentionally and deliberately assigned physically demanding work schedule and job duties to PLAINTIFF, on the basis of her

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disability; age; exercise of the rights under the FEHA, FMLA, and CFRA; or combination of any of these characteristics.

126. The above said acts were perpetrated upon PLAINTIFF by supervisors (e.g., defendant CEBALLOS and GM Maciel), and defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, knew or should have known of the conduct but failed to take immediate and appropriate corrective action.

127. DEFENDANTS violated the FEHA and the public policy of the State of California, which is embodied in the FEHA, by creating a hostile work environment and harassing PLAINTIFF because of her disability, age, and engagement in protected activities, and/or some combination of these protected characteristics, as set forth hereinabove.

128. The above said acts of DEFENDANTS constitute violations of the FEHA and violations of the public policy of the State of California. Such violations were a proximate cause in PLAINTIFF's damage as stated below.

129. As a direct and proximate result of the above-described acts of DEFENDANTS, PLAINTIFF has suffered, and will continue to suffer, economic damages, including lost wages and benefits, as well as other compensatory damages in an amount to be ascertained at the time of trial.

130. As a further direct and proximate result of the above-described acts of DEFENDANTS, PLAINTIFFF has suffered, and will continue to suffer, emotional distress; and has been generally damaged in an amount to be ascertained at the time of trial.

131. The foregoing conduct of DEFENDANTS, individually, or by and through their agents and employees, was intended by said defendants and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by DEFENDANTS, and/or their officer, director, or managing agent, and each of them, with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud

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under Civil Code section 3294. DEFENDANTS, and/or their officer, director, or managing agent, and each of them, were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF. DEFENDANTS, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of DEFENDANTS, and/or their officer, director, or managing agent, and each of them, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of said defendants and each of them.

132. As a result of DEFENDANTS' conduct, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965(b).

Wherefore, PLAINTIFF prays for judgment as set forth below.

SEVENTH CAUSE OF ACTION

FAILURE TO PREVENT DISCRIMINATION, RETALIATION, AND HARASSMENT

(Violation of California Government Code § 12940(k))

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

133. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

134. At all relevant times, the FEHA, including in particular Government Code section 12940, subdivision (k), was in full force and effect and was binding upon defendants WALGREENS and DOES 1 through 50, inclusive, and each of them. This subdivision imposes a duty on employers to take all reasonable steps necessary to prevent discrimination, harassment, and retaliation from occurring, including the institution by employer of policies, procedures and practices that

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include prompt and effective remedial procedures, and appropriate training, monitoring and disciplinary measures. As alleged above, DEFENDANTS violated this subdivision and breached their duty by failing to take all reasonable steps necessary to prevent discrimination, retaliation, or harassment from occurring.

135. Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them intentionally and willfully discriminated and retaliated against, and harassed, PLAINTIFF on the basis of her physical disability and/or perceived disability, her age, and her exercise of the rights under the FEHA with respect to her disability. DEFENDANTS, and each of them, intentionally and willfully harassed PLAINTIFF and subjected her to a hostile work environment on the basis of her physical disability and/or perceived disability, her age, and her exercise of the rights under the FEHA and CFRA. The policies, procedures, and practices of defendants WALGREENS and DOES 1 through 50, inclusive, were inadequate for preventing, monitoring, and remedying discrimination, retaliation, or hostile work environment harassment. To the extent that any such policies, procedures and practices existed, employees, including supervisors and agents, were insufficiently trained or made aware of those policies and procedures for the policies and procedures to prevent discrimination, retaliation, or harassment from occurring. Once defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, were made aware of discriminatory, retaliatory, and harassing conduct by a supervisor, agent, or employee, they failed to take measures to prevent unlawful discrimination, retaliation, and harassment against PLAINTIFF.

136. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, as alleged above, PLAINTIFF suffered and continues to suffer lost income, benefits, employment, and career opportunities, as well as other economic loss, the precise amount of which will be proven at trial.

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137. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, as alleged above, PLAINTIFF endured and continues to endure emotional distress, tarnished reputation, and pain and suffering, the precise amount of which will be proven at trial.

138. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, was a substantial factor in causing the aforementioned harm to PLAINTIFF.

139. The foregoing conduct of Defendants WALGREENS and DOES 1 through 50, inclusive, individually, or by and through their agents and employees, was intended by said defendants and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by said defendants and/or their officer, director, or managing agent, and each of them, with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of said defendants and each of them.

140. As a result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and

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demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965, subdivision (b).

Wherefore, PLAINTIFF prays for judgment as set forth below.

NINTH CAUSE OF ACTION

TORTIOUS WRONGFUL TERMINATION

IN VIOLATION OF PUBLIC POLICY

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

141. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

142. During her employment with defendants WALGREENS and DOES 1 through 50, inclusive, PLAINTIFF engaged in legally protected activities, including, but not limited to, requesting a reasonable accommodation due to her disability and taking CFRA qualifying leaves to care for her own serious health condition.

143. PLAINTIFF is informed and believes, and based thereon alleges, that defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, were motivated to terminate PLAINTIFF's employment with said defendants on grounds that violate public policies of the State of California and the United States of America, including, but not limited to, the public policies against terminating an employee on the basis of characteristics protected under the FEHA, such as disability, age, or exercise of the rights under the FEHA.

144. As set forth above, PLAINTIFF is informed and believes, and based thereon alleges, that on or around August 11, 2017, defendants WALGREENS and DOES 1 through 50, inclusive, wrongfully terminated the employment of PLAINTIFF because she had been suffering from a disability, made her disability known to DEFENDANTS, had been a longtime employee who was over the age of 40, and pursued the rights under the FEHA, FMLA, and CFRA. As such,

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termination of PLAINTIFF's employment by defendants WALGREENS and DOES 1 through 50, inclusive, violates the various fundamental public policies of the State of California and the United States of America, including, but not limited to, those set forth in the FEHA.

145. As a direct, foreseeable, and proximate result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, as alleged above, PLAINTIFF suffered and continues to suffer lost income, benefits, employment, and career opportunities, as well as other economic loss, the precise amount of which will be proven at trial.

146. As a direct, foreseeable, and proximate result the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, as alleged above, PLAINTIFF endured and continues to endure emotional distress, tarnished reputation, and pain and suffering, the precise amount of which will be proven at trial.

147. The foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, was a substantial factor in causing the aforementioned harm.

148. The foregoing conduct of Defendants WALGREENS and DOES 1 through 50, inclusive, individually, or by and through their agents and employees, and each of them, was intended by said defendants and/or their officer, director, or managing agent, and each of them, to cause injury to PLAINTIFF or was despicable conduct carried on by said defendants and/or their officer, director, or managing agent, and each of them, with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were fully aware of their obligation to not discriminate or retaliate against PLAINTIFF or subject her to hostile work environment harassment. Defendants WALGREENS and DOES

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1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, were aware and conscious of PLAINTIFF's rights and yet, they chose to ignore and disregard them. In light of the outrageous and malicious conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and/or their officer, director, or managing agent, and each of them, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them.

149. As a result of the foregoing conduct of defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees pursuant to California Code of Civil Procedure section 1021.5.

Wherefore, PLAINTIFF prays for judgment as set forth below.

TENTH CAUSE OF ACTION

DECLARATORY RELIEF

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

150. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

151. Government Code section 12920 sets forth the public policy of the State of California as follows:

> It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation.
>
> It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for these reasons foments domestic strife and

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> unrest, deprives the state of the fullest utilization of its capacities for development and advancement, and substantially and adversely affects the interests of employees, employers, and the public in general.
>
> Further, the practice of discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information in housing accommodations is declared to be against public policy.
>
> It is the purpose of this part to provide effective remedies that will eliminate these discriminatory practices.
>
> This part shall be deemed an exercise of the police power of the state for the protection of the welfare, health, and peace of the people of this state.

152. Government Code section 12920.5 embodies the intent of the California legislature and states:

> In order to eliminate discrimination, it is necessary to provide effective remedies that will both prevent and deter unlawful employment practices and redress the adverse effects of those practices on aggrieved persons. To that end, this part shall be deemed an exercise of the Legislature's authority pursuant to Section 1 of Article XIV of the California Constitution.

153. Government Code section 12941 embodies the intent of the California legislature and states:

> The Legislature further reaffirms and declares its intent that the courts interpret the state's statutes prohibiting age discrimination in employment broadly and vigorously, in a manner comparable to prohibitions against sex and race discrimination, and with the goal of not only protecting older workers as individuals, but also of protecting older workers as a group, since they face unique obstacles in the later phases of their careers.

154. Finally, Government Code section 12921, subdivision (a) states in pertinent part:

> The opportunity to seek, obtain, and hold employment without discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation is hereby recognized as and declared to be a civil right.

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155. An actual controversy has arisen and now exists between Defendants WALGREENS and DOES 1 through 50, inclusive, concerning their respective rights and duties as it is believed that Defendants WALGREENS and DOES 1 through 50, inclusive, may allege that they did not harass, or discriminate or retaliate against PLAINTIFF; that PLAINTIFF was not subjected to adverse employment actions alleged herein as a result of her perceived and/or actual disability, age, or exercise of the rights under the FEHA, FMLA, or CFRA, and/or some combination of these protected characteristics; and that Defendants WALGREENS and DOES 1 through 50, inclusive, did not violate PLAINTIFF's civil rights. PLAINTIFF contends that Defendants WALGREENS and DOES 1 through 50, inclusive, did harass, or discriminate or retaliate against PLAINTIFF on the basis of her perceived and/or actual disability, her age, her exercise the rights under the FEHA, or some combination of these protected characteristics; and that Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them violated PLAINTIFF's civil rights. PLAINTIFF is informed and believes, and on that basis alleges, that Defendants WALGREENS and DOES 1 through 50, inclusive, will dispute PLAINTIFF's contentions.

156. Pursuant to California Code of Civil Procedure section 1060, PLAINTIFF desires a judicial determination of her rights and duties, and a declaration that Defendants WALGREENS and DOES 1 through 50, inclusive, harassed, or discriminated or retaliated against her on the basis of her perceived and/or actual disability, her age, her exercise the rights under the FEHA, FMLA, and CFRA, or some combination of these protected characteristics; and violated PLAINTIFF's civil rights.

157. A judicial declaration is necessary and appropriate at this time under the circumstances in order that PLAINTIFF, for herself and on behalf of employees and persons in the State of California and in conformity with the public policy of the State, obtain a judicial declaration of the wrongdoing of Defendants WALGREENS

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and DOES 1 through 50, inclusive, and to condemn such discriminatory employment and business policies or practices prospectively. (*Harris v. City of Santa Monica* (2013) 56 Cal.4th 203.)

158. A judicial declaration is necessary and appropriate at this time such that Defendants WALGREENS and DOES 1 through 50, inclusive, may also be aware of their obligations under the law to not engage in discriminatory practices and to not violate the law in the future.

159. Government Code section 12965, subdivision (b) provides that an aggrieved party, such as PLAINTIFF herein, may be awarded reasonable attorney's fees and costs: "In civil actions brought under this section, the court, in its discretion, may award to the prevailing party, including the department, reasonable attorney's fees and costs, including expert witness fees." Such fees and costs expended by an aggrieved party may be awarded for the purpose of redressing, preventing, or deterring discrimination.

Wherefore, PLAINTIFF prays for judgment as set forth below.

ELEVENTH CAUSE OF ACTION

INJUNCTIVE RELIEF

(By PLAINTIFF Against Defendants WALGREENS and DOES 1 through 50, inclusive)

160. PLAINTIFF repeats and re-alleges the allegations set forth above, and incorporates same by reference as though fully set forth herein.

161. The acts and omissions of Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, have caused irreparable harm to PLAINTIFF and will continue to cause irreparable harm to current employees unless the complained of conduct is enjoined. There is no immediate, adequate or speedy remedy at law to redress the continuing discriminatory and retaliatory policies and practices of Defendants WALGREENS and DOES 1 through 50, inclusive, , and, therefore, PLAINTIFF seeks affirmative and injunctive relief as

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follows:

(a) for an injunction restraining Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, from continuing or maintaining any policy, practice, custom or usage which is discriminatory, retaliatory, or harassing in nature against any employee based upon the employee's protected class status, such as disability.

(b) for an injunction restraining the Defendants WALGREENS and DOES 1 through 50, inclusive, along with their supervising employees, agents and all those subject to its control or acting in concert with it from causing, encouraging, condoning or permitting discriminatory practices as well as the practice of retaliation;

(c) for affirmative relief requiring Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, to conduct training of all employees to "sensitize" them to the harmful nature of discrimination and retaliation against any employee. The proposed plan of education and training should also include training and detection, and correction and prevention of such discriminatory and retaliatory practices;

(d) for affirmative relief requiring Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, to notify all employees and supervisors, through individual letters and permanent postings in prominent locations in all offices that retaliation, harassment, and discrimination violate the California Fair Employment and Housing Act and the consequences of violation of such laws and policies;

(e) for affirmative relief requiring Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, to develop clear and effective policies and procedures for employees complaining of retaliation, harassment, discrimination or other violations of FEHA so they may have their complaints promptly and thoroughly investigated (by a neutral fact finder) and informal

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as well as formal processes for hearing, adjudication and appeal of the complaints; and

(f) for affirmative relief requiring Defendants WALGREENS and DOES 1 through 50, inclusive, and each of them, to develop appropriate sanctions or disciplinary measures for supervisors or other employees who are found to have committed discriminatory or retaliatory acts, including warnings to the offending person and notations in that person's employment record for reference in the event future complaints are directed against that person, and dismissal where other measures fail.

Wherefore, PLAINTIFF prays for judgment as set forth below.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF seeks judgment against DEFENDANTS, and each of them, in an amount according to proof, as follows:

1. For a money judgment representing compensatory damages, including lost wages, loss of earning potential, employee benefits, and all other sums of money, together with interest on these amounts; for other special damages; and for general damages for emotional distress;

2. For a declaratory relief reaffirming PLAINTIFF's equal standing under the law and condemning Defendant WALGREENS and DOES 1 through 50, inclusive, for engaging in discriminatory employment practices;

3. For injunctive relief preventing and barring Defendant WALGREENS and DOES 1 through 50, inclusive, from implementing discriminatory employment policies and engaging in discriminatory employment practices in the future;

4. For punitive damages, pursuant to California Civil Code section 3294, in amounts sufficient to punish DEFENDANTS for the wrongful conduct alleged herein and to deter such conduct in the future;

5. For prejudgment interest on each of the foregoing at the legal rate from the date on which the obligation became due through the date of judgment in

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this matter;

6. For post-judgment interest;

7. For reasonable attorneys' fees, pursuant to FEHA, California Code of Civil Procedure section 1021.5, and/or any other basis;

8. For costs of suit incurred herein, including expert witness fees pursuant to the FEHA, and/or any other basis; and

9. For any other relief that is just and proper.

Respectfully submitted,

Dated: June 21, 2018

THE HENNA CHOI LAW FIRM

Henna H. Choi
Attorney for Plaintiff LETHIA PERRY

Dated: June 21, 2018

LAW OFFICE OF JOSHUA PARK

Joshua Park
Attorney for Plaintiff LETHIA PERRY

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DEMAND FOR JURY TRIAL

PLAINTIFF demands a trial by jury as to all issues so triable.

Respectfully submitted,

Dated: June 21, 2018

THE HENNA CHOI LAW FIRM

Henna H. Choi
Attorney for Plaintiff LETHIA PERRY

Dated: June 21, 2018

LAW OFFICE OF JOSHUA PARK

Joshua Park
Attorney for Plaintiff LETHIA PERRY

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